

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the above amendments and the discussion below. Applicants invention and the arguments for allowance from the October 15, 2003 response are incorporated herein by reference with the following additional comments being made in light of the above amendments.

Claims 1, 4 and 5 have been combined into an amended independent claim 1 while claims 10, 13 and 14 have been combined into an amended independent claim 10. Furthermore, new independent claim 24 results from a combination of original claims 1, 3, and 8. No new issues are raised as the above amendment results from a combination of original claims.

According to the statement of the Examiner in the Advisory Action of October 27, 2003 the claims were being interpreted and examined based on the scope of the language used rather than on the specific embodiments described in the specification and that although a patentable invention might be described in an application, unless the claims are narrow enough to only cover that which is patentable, the claims are required to be rejected by art which either anticipates or shows the obviousness of the differences between the claims and the prior art.

In order to more clearly satisfy the requirements of the Examiner concerning specific features, independent claim 1 now recites that there is a measurement of the electrical impedance of the catalyst and this measuring

takes place at one or more frequencies in a frequency range between 0 and an upper cutoff frequency at which the wavelength corresponding to the measuring frequency is significantly less than the dimensions of the measuring arrangement. In other words, below an upper cutoff frequency.

Claims 1-14, 18 and 21 have been rejected under 35 U.S.C. § 103, based on a combination of the references to Haas, U.S. Patent No. 5,143,696, Schmelz, U.S. Patent No. 5,546,004, Daudel, Kurzweil, D'amico and Tsutsumi.

Independent claim 24 which results from a combination of claims 1, 3 and 8 recites sensing of either a thermal electromotive force of the catalyst material or the catalysts' response to temperature changes.

As indicated by the Examiner the present invention improves upon the basic reference to Schmelz. In response to the Examiner's indication that the claims were not narrow enough to define over Schmelz and the application of the secondary references, applicants submit that each of independent claims 1, 10 and 24 now define subject matter which is not obvious from the references of record. Each individual secondary reference has been cited for its ability to show a particular kind of sensing. Applicants invention is not the single concept of being able to sense a temperature or to sense a thermal electromotive force or to sense an electrical property such as an electrical impedance, but is a combination wherein the storage state of a catalyst is determined based on the measurement of either the electrical impedance as claimed in claim 1 and 10 or the thermal

electromotive force or the catalyst reaction to temperature change resulting from the application of a measuring pickup to the catalyst at a plurality of points in order to determine the storage state on the basis of that particular electrical impedance or temperature response or thermal electromotive force. There is no showing that the references could be combined to improve the basic reference to Schmelz with respect to determining the storage state of a catalytic converter and absent some motive or some reasonable expectation that one skilled in the art would make the necessary changes to yield applicants invention, the proposed combination of reference is only based on the hindsight permitted by applicants disclosure. Such reconstruction is not however afforded according to the requirements of 35 U.S.C. § 103 for determining obviousness in order to reject claims.

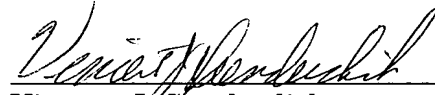
Therefore, applicants respectfully request that this application be reconsidered and allowed in light of the changes to the claim structure to meet the Examiner's objections with regard to specific requirements and in light of the combining of already existing claim features into an independent form without adding any new matter or raising any new issues.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/50125MI).

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Respectfully submitted,



Vincent J. Sunderdick
Registration No. 29,004

CROWELL & MORING, LLP
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844

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